

Remarks

In response to the Office Action mailed August 17, 2006, the Applicant requests reconsideration in view of the above claim amendments and the following remarks. Claims 1-24 remain pending in this application and currently stand rejected. Upon entry of this amendment, claims 1, 3, 6, 8-11, 13, 14, and 16 are amended to clarify the claimed subject matter and to correct minor informalities. No new matter has been added.

The claims are patentably distinct from the claims of Application Serial# 10/603,403

In the *Action* Claims 1-24 were provisionally rejected on the ground of non-statutory type double patenting as being unpatentable over claims 1-28 of co-pending application No. 10/603,403. The provisional rejection is respectfully traversed.

In the co-pending application, claims 21-24 have been elected for prosecution in response to a restriction requirement. Applicants respectfully submit that in light of the present amendments, the claims of the present application are patentably distinct from the elected claims of application No. 10/603,403. Therefore, the provisional rejection for non-statutory obviousness should be withdrawn.

Claims 1 - 20 are non-obvious over Game Commander 2 and Shoji, so the rejections Under 35 U.S.C. §103 should be withdrawn

The Action rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Game Commander 2 (released 2000) in view of U.S. Patent 6,458,033 to Shoji et al. ("Shoji"). Applicants respectfully traverse the rejections.

Amended claim 1 recites a method of providing gaming with automation using verbal communication that includes, *inter alia*, "providing verbal information of a current game status to a game player from a voice synthesis device through a communication network, wherein the communication network includes one of: a Public Switching Telephone Network (PSTN), a wireless communication network, and a Voice over IP (VoIP) network", "receiving verbal instruction from the game player at the voice synthesis device through the communication network in response to providing the verbal information", and "providing verbal information of the updated current game status to the game player from the voice synthesis device through the communication network." The amendments are supported by the Specification (See page 4, line

22 through page 6, line 26). According to amended claim 1, verbal information about a status of the game is provided and verbal instructions from the game player are received over a communication network of the listed types.

Unlike the Applicants' amended claim 1, Game Commander 2, product literature discloses use of voice commands and customizable audible feedback in a computer application (Game Commander 2 product literature, page 1). Game Commander 2 is arranged to be compatible with voice programs, allows command editing and voice training (Game Commander 2 product literature, pages 2 and 4), but it does not provide verbal information about a status of the game and receive verbal instructions from the game player over a communication network such as a Public Switching Telephone Network (PSTN), a wireless communication network, or a Voice over IP (VoIP) network, as recited in amended claim 1. In fact, Game Commander 2 literature does not even mention use of a communication network for providing verbal information or receiving verbal instructions.

Shoji describes a program for processing a live commentary in a sport game, a computer-readable recording medium on which such a program is recorded, a live commentary processing apparatus and method which can reproduce a sound by reading, efficiently with a smaller number of times of access, sound data from a recording medium on which a large amount of sound data is stored (*Shoji*, col. 2, lines 19-27). According to *Shoji*, a computer program executes the steps of judging states of a situation in a video game; determining a combination and order of one or more sound data that are necessary to commentate in accordance with the judged states from among sound data that are stored in a distributed manner as units of live commentary statements; recognizing storage locations of the one or more sound data based on information that is stored in advance to be used for recognizing storage locations of the respective sound data; and commentating by reading the one or more sound data from the recognized storage locations in the determined order (*Shoji*, col. 2, lines 31-67). Furthermore, a sound processing section, as taught by *Shoji*, generates a sound signal of a voice, BGM (background music), an effect sound, or the like according to commands that are supplied from the CPU, and outputs the generated sound signal to the TV set (*Shoji*, col. 5, lines 54-57). Thus, *Shoji* also fails to teach or suggest providing verbal information about a status of the game and receiving verbal instructions from the game player over a communication network such as a

Public Switching Telephone Network (PSTN), a wireless communication network, or a Voice over IP (VoIP) network, as recited in amended claim 1.

Hence, Game Commander 2 and *Shoji* fail, individually or in combination, to teach or suggest features of the Applicants' amended claim 1. Amended claim 1 is, therefore, in condition for allowance, and notice to that effect is respectfully requested.

Claims 2-9 depend from amended independent claim 1 with additional features. Thus, dependent claims 2-9 are allowable for at least the same reasons discussed above with respect to amended claim 1. Therefore, based on the foregoing, the rejection of claims 2-9 should also be withdrawn.

Amended claim 10 recites a system for providing gaming with automation using verbal communication that includes, *inter alia*, "a personal voice synthesis device of a game player that provides verbal information of a current game status to the game player through a communication network, wherein the communication network includes one of: a Public Switching Telephone Network (PSTN), a wireless communication network, and a Voice over IP (VoIP) network, receives verbal instruction from the game player through the communication network in response to providing the verbal information, converts the verbal instruction to instruction data, and provides verbal information of an updated game status to the game player through the communication network."

As discussed above, neither Game Commander 2 nor *Shoji* teach or suggest, individually or in combination, features of the Applicants' amended claim 10 such as the personal voice synthesis device providing verbal information of a current game status to the game player through a communication network or receiving verbal instruction from the game player through the communication network. Amended claim 10 is, therefore, in condition for allowance, and notice to that effect is respectfully requested.

Claims 11 and 12 depend from amended independent claim 10 with additional features. Thus, dependent claims 11 and 12 are allowable for at least the same reasons discussed above with respect to amended claim 10. Therefore, based on the foregoing, the rejection of claims 11 and 12 should also be withdrawn.

Amended claim 13 recites a system for providing gaming with automation using verbal communication that includes, *inter alia*, "a voice synthesis system that receives and converts

information data to verbal information and provides the verbal information of a current game status to a game player through a communication network, wherein the communication network includes one of: a Public Switching Telephone Network (PSTN), a wireless communication network, and a Voice over IP (VoIP) network, receives verbal instruction from the game player through the communication network in response to providing the verbal information, converts the verbal instruction to instruction data, and provides the instruction data.”

Game Commander 2 and *Shoji* also fail to teach or suggest, individually or in combination, features of the Applicants' amended claim 13 such as the voice synthesis system that receives and converts information data to verbal information and provides the verbal information of a current game status to a game player through a communication network or receives verbal instruction from the game player through the communication network. Amended claim 13 is, therefore, in condition for allowance, and notice to that effect is respectfully requested.

Claims 14-16 depend from amended independent claim 13 with additional features. Thus, dependent claims 14-16 are allowable for at least the same reasons discussed above with respect to amended claim 13. Therefore, based on the foregoing, the rejection of claims 14-16 should also be withdrawn.

Claim 17 recites a system for providing gaming with automation using verbal communication that includes, *inter alia*, “a voice services node that receives information data, converts the information data to verbal information and provides the verbal information of a current game status over a voiced call with the game player, receives verbal instruction from the game player over the voiced call in response to providing the verbal information, converts the verbal instruction to instruction data, and provides the instruction data.”

Game Commander 2 and *Shoji* fail to teach or suggest, individually or in combination, features of the Applicants' claim 17 such as the voice services node receiving information data, converting the information data to verbal information and providing the verbal information of a current game status over a voiced call with the game player, as well as receiving verbal instruction from the game player over the voiced call. As discussed before, neither Game Commander 2 nor *Shoji* describe providing verbal information over a voiced call or receiving verbal instruction from the game player over the voiced call. Claim 17 is, therefore, in condition for allowance, and notice to that effect is respectfully requested.

Claims 18-20 depend from independent claim 17 with additional features. Thus, dependent claims 18-20 are allowable for at least the same reasons discussed above with respect to claim 17. Therefore, based on the foregoing, the rejection of claims 18-20 should also be withdrawn.

Claims 21 - 24 are non-obvious over Game Commander 2, Shoji, and Microsoft Sidewinder Game Voice so the rejections Under 35 U.S.C. §103 should be withdrawn

The Action also rejected claims 21-24 under 35 U.S.C. § 103(a) as being unpatentable over Game commander 2 (released 2000) in view of U.S. Patent 6,458,033 to Shoji et al. ("Shoji") and in further view of Microsoft Sidewinder Game Voice. Applicants respectfully traverse the rejections.

As discussed above, independent claim 17 is not made obvious by Game Commander 2 or *Shoji*, because they fail to teach or suggest, individually or in combination, features of independent claim 17 such as the voice services node receiving information data, converting the information data to verbal information and providing the verbal information of a current game status over a voiced call with the game player, as well as receiving verbal instruction from the game player over the voiced call. Claims 21-24 depend from independent claim 17 with additional features such as the voice services node bridging the voiced call with the game player and a second voiced call with a second game player or the voice services node bridging the voiced call with the game player to the second voiced call with the second game player such that the game player can hear the second game player but the second game player cannot hear the first game player. These features are communication network specific features that are not taught or suggested by Game Commander 2 or *Shoji*.

Microsoft Sidewinder Game Voice discloses a device that allows online gamers to talk and play over a single Internet connection, as well as control games with voice commands (Microsoft Sidewinder Game Voice press release page 1). However, Microsoft Sidewinder Game Voice also fails to teach or suggest "a voice services node that receives information data, converts the information data to verbal information and provides the verbal information of a current game status over a voiced call with the game player, receives verbal instruction from the game player over the voiced call in response to providing the verbal information, converts the verbal instruction to instruction data, and provides the instruction data" in combination with the additional features of dependent claims 21-24.

Thus, dependent claims 21-24 are allowable for at least the same reasons discussed above with respect to amended claim 17. Therefore, based on the foregoing, the rejection of claims 21-24 should also be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,

MERCHANT & GOULD


D. Kent Stier
Registration No. 56,640

Date: November 10, 2006

Merchant & Gould, LLC
P.O. Box 2903
Minneapolis, MN 55402-0903
Telephone: 404.954.5100

